



General Assembly

Amendment

January Session, 2011

LCO No. 5944

HB0646105944HDO

Offered by:

REP. BUTLER, 72nd Dist.

SEN. GOMES, 23rd Dist.

To: Subst. House Bill No. 6461

File No. 248

Cal. No. 159

"AN ACT CONCERNING THE SELECTION OF TENANT COMMISSIONERS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 8-41 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2011*):

5 (a) For purposes of this section, a "tenant of the authority" means a
6 tenant who lives in housing owned or managed by a housing authority
7 or who is receiving housing assistance in a housing program directly
8 administered by such authority. When the governing body of a
9 municipality other than a town adopts a resolution as described in
10 section 8-40, it shall promptly notify the chief executive officer of such
11 adoption. Upon receiving such notice, the chief executive officer shall
12 appoint five persons who are residents of said municipality as
13 commissioners of the authority, except that [where the authority
14 operates more than three thousand units] the chief executive officer

15 may appoint two additional persons who are residents of the
16 municipality if (1) the authority operates more than three thousand
17 units, or (2) upon the appointment of a tenant commissioner pursuant
18 to subsection (c) of this section, the additional appointments are
19 necessary to achieve compliance with 24 CFR 964.415 or section 9-167a.
20 If the governing body of a town adopts such a resolution, such body
21 shall appoint five persons who are residents of said town as
22 commissioners of the authority created for such town, except that such
23 body may appoint two additional persons who are residents of the
24 town if, upon the appointment of a tenant commissioner pursuant to
25 subsection (c) of this section, the additional appointments are
26 necessary to achieve compliance with 24 CFR 964.415 or section 9-167a.
27 The commissioners who are first so appointed shall be designated to
28 serve for a term of either one, two, three, four or five years, except that
29 if the authority has five members, the terms of not more than one
30 member shall expire in the same year. Terms shall commence on the
31 first day of the month next succeeding the date of their appointment,
32 and annually thereafter a commissioner shall be appointed to serve for
33 five years except that any vacancy which may occur because of a
34 change of residence by a commissioner, removal of a commissioner,
35 resignation or death shall be filled for the unexpired portion of the
36 term. If a governing body increases the membership of the authority
37 on or after July 1, 1995, such governing body shall, by resolution,
38 provide for a term of five years for each such additional member. The
39 term of the chairman shall be three years. At least one of such
40 commissioners of an authority having five members, and at least two
41 of such commissioners of an authority having more than five
42 members, shall be a tenant or tenants [who live in housing owned or
43 managed by such authority, if any exists, provided that any such
44 tenant shall have resided in such housing for more than one year or is
45 a tenant who previously resided in such housing for more than one
46 year and is receiving housing assistance in a housing program directly
47 administered by such authority and provided further that no such
48 tenant shall have the authority to vote on any matter concerning the
49 establishment or revision of the rents to be charged in any housing

50 owned or managed by such authority] of the authority selected
51 pursuant to subsection (c) of this section. If, on October 1, 1979, a
52 municipality has adopted a resolution as described in section 8-40, but
53 has no tenants serving as commissioners, the chief executive officer of
54 a municipality other than a town or the governing body of a town shall
55 appoint a tenant who meets the qualifications set out in this section as
56 a commissioner of such authority when the next vacancy occurs. No
57 commissioner of an authority may hold any public office in the
58 municipality for which the authority is created. A commissioner shall
59 hold office until [his] said commissioner's successor is appointed and
60 has qualified. A certificate of the appointment or reappointment of any
61 commissioner shall be filed with the clerk and shall be conclusive
62 evidence of the legal appointment of such commissioner, after [he] said
63 commissioner has taken an oath in the form prescribed in the first
64 paragraph of section 1-25. The powers of each authority shall be vested
65 in the commissioners thereof. Three commissioners shall constitute a
66 quorum if the authority consists of five commissioners. Four
67 commissioners shall constitute a quorum if the authority consists of
68 more than five commissioners. Action may be taken by the authority
69 upon a vote of not less than a majority of the commissioners present,
70 unless the bylaws of the authority require a larger number. The chief
71 executive officer, or, in the case of an authority for a town, the
72 governing body of the town, shall designate which of the
73 commissioners shall be the first chairman, but when the office of
74 chairman of the authority becomes vacant, the authority shall select a
75 chairman from among its commissioners. An authority shall select
76 from among its commissioners a vice chairman, and it may employ a
77 secretary, who shall be executive director, and technical experts and
78 such other officers, agents and employees, permanent and temporary,
79 as it requires, and shall determine their qualifications, duties and
80 compensation, provided, in municipalities having a civil service law,
81 all appointments and promotions, except the employment of the
82 secretary, shall be based on examinations given and lists prepared
83 under such law, and, except so far as may be inconsistent with the
84 terms of this chapter, such civil service law and regulations adopted

85 thereunder shall apply to such housing authority and its personnel.
86 For such legal services as it requires, an authority may employ its own
87 counsel and legal staff. An authority may delegate any of its powers
88 and duties to one or more of its agents or employees. A commissioner,
89 or any employee of the authority who handles its funds, shall be
90 required to furnish an adequate bond. The commissioners shall serve
91 without compensation, but shall be entitled to reimbursement for their
92 actual and necessary expenses incurred in the performance of their
93 official duties.

94 (b) The authority shall designate a tenant organization as the
95 recognized jurisdiction-wide tenant organization only if (1) the
96 members of the governing board of such tenant organization were
97 elected through a jurisdiction-wide election, and (2) such tenant
98 organization satisfies the requirements for elected jurisdiction-wide
99 resident councils pursuant to regulations promulgated by the United
100 States Department of Housing and Urban Development, except that a
101 tenant of the authority shall be eligible to vote in any election for the
102 governing board of such tenant organization and to serve on the
103 governing board of such tenant organization without regard to
104 whether such tenant receives or lives in housing that receives federal
105 assistance. Any tenant organization that has been designated by the
106 authority as the recognized jurisdiction-wide tenant organization may
107 select tenants for appointment as tenant commissioner in accordance
108 with subsection (c) of this section.

109 [(b)] (c) [Any tenant organization composed of tenants residing
110 within units owned or managed by the appointing authority may
111 indicate to such authority its desire to be notified of any pending
112 appointment of any such commissioner. A reasonable time before
113 appointing any such commissioner, the appointing authority shall
114 notify any such tenant organization and, in making such appointment,
115 such authority shall consider tenants suggested by such tenant
116 organizations.] (1) Not less than sixty days before the appointment of
117 any tenant commissioner or the expiration of the term of any tenant
118 commissioner, whichever is earlier, the housing authority shall notify

119 all tenant organizations comprised of tenants residing within units
120 owned or managed by such housing authority and all tenants of such
121 authority of such pending appointment or expiration of term. The
122 notice shall include information concerning procedures by which
123 tenants may petition for an election pursuant to this subsection.

124 (2) The appointee as tenant commissioner shall be selected by a fair
125 election of the tenants of the authority if, not more than thirty days
126 after the authority notifies such tenants of a pending appointment or
127 expiration of term pursuant to subdivision (1) of this subsection, ten
128 per cent of the tenants of the authority or seventy-five tenants of the
129 authority, whichever is less, petition the authority for an election.

130 (3) If the tenants of the authority have not petitioned for an election
131 pursuant to subdivision (2) of this subsection, then the appointee as
132 tenant commissioner shall be selected by the recognized jurisdiction-
133 wide tenant organization, if any, by means provided for in the by-laws
134 adopted by such tenant organization. Such means may include,
135 without limitation, a fair election by the tenants of the authority or
136 selection by the governing board of such tenant organization.

137 (4) If an appointee as tenant commissioner has not been selected by
138 an election of the tenants of the authority or by other means pursuant
139 to the by-laws adopted by the recognized jurisdiction-wide tenant
140 organization by the date ninety days after the date the housing
141 authority provides notice of a pending appointment or expiration of
142 term pursuant to subdivision (1) of this subsection, then the appointing
143 authority shall select the appointee. In making such selection, the
144 appointing authority shall consider any tenant recommended by any
145 tenant organization within its jurisdiction or the jurisdiction-wide
146 tenant organization.

147 (5) The housing authority shall provide all tenants of the authority
148 with written notice of any election conducted pursuant to this
149 subsection or subsection (b) of this section not later than thirty days
150 before the date of such election. For any election conducted pursuant

151 to this subsection for an authority having more than five
152 commissioners, the housing authority may establish qualifications for
153 the second tenant commissioner as necessary to achieve compliance
154 with 24 CFR 964.415 or section 9-167a.

155 (d) For any election conducted pursuant to subsection (c) of this
156 section, the housing authority shall use its best efforts to secure an
157 impartial entity to administer such election. To the extent practicable,
158 such impartial entity shall be selected with the agreement of the
159 recognized jurisdiction-wide tenant organization, if any. In the event
160 of a dispute concerning the procedure for or results of such election,
161 any person may petition the entity administering such election for a
162 resolution of such dispute.

163 ~~[(c)]~~ (e) Notwithstanding any provision of subsection (a) of this
164 section or any other provision of the general statutes, [to the contrary,]
165 a commissioner of an authority may serve as a justice of the peace or a
166 registrar of voters."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	8-41